

CHAPTER 6 CIVIL PENALTIES

[Prior to 3/30/94, Campaign Finance Disclosure Commission[121] Ch 6]

351—6.1(56) Delinquent reports. Election year reports from all committees, except those for municipal and school elective offices and for local ballot issues, are delinquent if not received by the nineteenth day of January, May, July and October, or, if mailed, if they do not bear a United States Postal Service postmark dated on or before the nineteenth day of January, May, July and October.

Statewide, county and general assembly candidates' committees off-election year reports are delinquent if not received by the nineteenth day of January, or, if mailed, if they do not bear a United States Postal Service postmark dated on or before the nineteenth day of January.

Special election reports of candidates to fill vacancies are delinquent if not received 14 calendar days prior to the special election date, or, if mailed, if they do not bear a United States Postal Service postmark dated on or before 14 calendar days prior to the election date.

In addition, supplemental reports of statewide candidates and candidates for the general assembly are delinquent if not received by the Friday immediately preceding the primary, special, or general election day, or, if mailed, if they do not bear a United States Postal Service postmark dated on or before the Friday before the election day.

Municipal and school election candidates' committees and local ballot issue committees are delinquent if reports are not received five days prior to the local election, and on the first day of the month following the election. Postmarks for municipal, school and local ballot issue committees are proof of timely filing if the mark is a United States Postal Service postmark dated on the report deadline date. Additionally, election year reports for these committees are delinquent if not received by the nineteenth day of January, May, or July, or, if mailed, if they do not bear a United States Postal Service postmark dated on or before the nineteenth day of January, May, or July. Off-election year reports for these committees are delinquent if not received by the nineteenth day of January and October, or, if mailed, if they do not bear a United States Postal Service postmark dated on or before the nineteenth day of January and October.

In the case of mailed reports, private postage meter marks are not proof of timely filing for any committee covered by the campaign finance disclosure law.

For all committees required to report under this chapter, if the reporting deadline falls on a Saturday or Sunday or holiday on which the office of the board or county commissioner of elections where the report is required to be filed is closed, the filing deadline shall be extended to the first working day following, and reports received on that day will not be considered delinquent. This extension also applies to the required United States Postal Service postmark date.

This rule is intended to implement Iowa Code sections 56.6 and 68B.32A.

351—6.2(56) Routine civil penalty assessments for late-filed disclosure reports.

6.2(1) *Committees subject to penalty assessments.* In routine resolution of violations for late-filed disclosure reports, the board shall assess and collect monetary penalties both for statewide committees whose reports are filed with the board and for committees whose reports are filed with the county commissioners of elections. After a delinquent committee has filed, the board shall notify delinquent filing committees of the amount of the assessment by regular United States mail to the address on file with the board. In the case of committees who have a reporting responsibility to both the board and the county commissioners of elections, the penalty shall be applicable for failure to file at the primary depository where the report is delinquent.

6.2(2) *Committees which file with the county commissioner.* Committees which have filed a statement of organization with the county commissioner of elections and which are required to file disclosure reports in the office of the county commissioner of elections shall be assessed civil penalties for late-filed reports in accordance with the following schedules:

Date report received	First-time delinquency	Repeat delinquency by same treasurer of a committee in 12-month period
1 to 14 consecutive days delinquent	\$ 20	\$ 50
15 to 30 consecutive days delinquent	\$ 50	\$100
31 to 45 consecutive days delinquent	\$100	\$200

6.2(3) *Committees which file with the board.*

a. Non-supplemental and non-special election reports. Committees which have filed a statement of organization with the board and which are required to file disclosure reports in the board office shall be assessed civil penalties for late-filed reports, except for supplemental and special election reports, in accordance with the following schedules:

Date report received	First-time delinquency	Repeat delinquency by same treasurer of a committee in 12-month period
1 to 14 consecutive days delinquent	\$ 50	\$100
15 to 30 consecutive days delinquent	\$100	\$200
31 to 45 consecutive days delinquent	\$200	\$300

b. Supplemental reports. General assembly candidates' committees required to file supplemental disclosure reports shall be assessed a \$200 civil penalty for filing the supplemental report one or more days delinquent, except that if there is a repeat delinquency on a supplemental report by the same treasurer within a 12-month period, the penalty shall be \$400.

Statewide candidates' committees required to file supplemental disclosure reports shall be assessed a \$400 civil penalty for filing the supplemental report one or more days delinquent, except that if there is a repeat delinquency on a supplemental report by the same treasurer within a 12-month period, the penalty shall be \$800.

c. *Special election reports.* The committees of general assembly candidates to fill vacancies in special elections shall be assessed a \$200 civil penalty for filing the special election report one or more days delinquent.

The committees of statewide candidates to fill vacancies in special elections shall be assessed a \$400 civil penalty for filing the special election report one or more days delinquent.

6.2(4) *Extreme delinquencies.* Committees which owe reports which are more than 45 days delinquent or which have been delinquent three or more times shall be referred to as extreme delinquencies and shall be subject to review of the board, and the committee may be considered for a more serious sanction or penalty. The committee may also be considered for a more serious sanction or penalty if there is evidence that any delinquency was intentional.

6.2(5) *Late-filed verified statements of registration.* The board shall routinely assess and collect monetary penalties against committees which are organized in a jurisdiction other than Iowa and which choose to file a verified statement of registration (VSR) as provided in Iowa Code section 56.5 and rule 351—4.13(56), but are delinquent in filing the VSR. A VSR is considered delinquent if it is not received on or before the tenth day after the date of the contribution, or mailed bearing a United States Postal Service postmark dated on or before the tenth day after the contribution. A flat late penalty of \$25 shall be assessed for late-filed VSRs, except that if it is a repeat delinquency by the same committee in a 12-month period, the flat late penalty shall be \$50. However, if the VSR is not filed within ten days after notice of the delinquency is sent to the committee by the board, the amount of the late-filing penalty shall increase to \$100 for a first-time delinquency, or to \$200 for a repeat delinquency by the same committee within a 12-month period. A VSR which is not filed within 45 days after the notice is sent by the board shall be referred to as an extreme delinquency and shall be subject to the provisions of subrule 6.2(4). In addition, a committee which has received a contribution from a committee which has failed to file a VSR may be required to return the contribution.

6.2(6) *Late-filed notices of independent expenditure by political committees for candidate(s)—routine penalties.* In routine resolution of apparent violations, the board shall administratively assess and collect monetary penalties against political committees which make an independent expenditure on behalf of one or more candidates with a prorated value of \$50 or more per candidate, but are delinquent in filing the notice of independent expenditure as provided in Iowa Code section 56.13. A notice is considered delinquent if it is not received in the board office on or before the first day after the action is taken, or mailed bearing a United States Postal Service postmark dated on or before the first day after the action is taken, with extensions as necessary for holidays and Sundays. A flat late penalty of \$25 shall be assessed for each late-filed notice arising from the first expenditure for which the committee is delinquent in filing notices in a 12-month period. A flat late penalty shall be \$50 for each late-filed notice arising from additional expenditures by the same committee in the succeeding 12-month period. However, if the independent expenditure notice is not filed within ten days after notice of the delinquency is sent to the committee by the board, the amount of the late-filing penalty shall increase to \$100 per notice for a first-time delinquency, or to \$200 per notice for a repeat delinquency by the same committee within the 12-month period. An independent expenditure notice which is not filed within 45 days after the delinquency notice is sent by the board shall be referred to as an extreme delinquency and shall be subject to the provisions of subrule 6.2(4).

6.2(7) *Requests for waiver of penalties.* Penalties will be automatically assessed in resolution of violations for late filings to all delinquent committees. If a committee feels there are mitigating circumstances which prevented its timely filing, it may make written request to the board for waiver of the penalty. Waivers may be granted only under exceptional or very unusual circumstances. The board will review the request and issue either a waiver or denial of the request. If a waiver is granted, the board will determine how much of the penalty may be waived based on the circumstances. If a denial is issued, the committee shall promptly pay the incurred penalty.

This rule is intended to implement Iowa Code sections 56.5, 56.6, 68B.32B, 68B.32C, and 68B.32D.

351—6.3(56) Penalties assessed. Rescinded IAB 10/22/97, effective 1/3/98.

351—6.4(56) Payment of penalty. The remittance shall be made payable and forwarded to: Iowa Ethics and Campaign Disclosure Board, 514 E. Locust Street, Suite 104, Des Moines, Iowa 50309.

After recording, the remittance shall be deposited in the general fund of the state of Iowa and, if the committee has provided a self-addressed, stamped envelope, a receipt will be issued by the board to the committee.

Payment may be made at the discretion of the delinquent committee, from the funds of the committee or from personal funds of an officer of the committee, or, in the case of a candidate, from the candidate's personal funds. If payment is made from a source other than committee funds, the fine payment shall be listed as an in-kind contribution to the committee. Fine payments from corporate entities as described in Iowa Code section 56.29 are prohibited, except in the case of ballot issue committees.

This rule is intended to implement Iowa Code section 56.10.

351—6.5(56) Nonpayment of penalty. Rescinded IAB 10/22/97, effective 1/3/98.

351—6.6(56) Waiver of penalty. Rescinded IAB 10/22/97, effective 1/3/98.

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